

Message Text

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ACTION SS-14

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 7600

C O N F I D E N T I A L MEXICO 6290

LIMDIS

E.O. 11652: GDS

TAGS: PBOR, MX

SUBJECT: SALINITY: PUBLICITY SURROUNDING SIGNING CEREMONY

REF: EATON/ESTEP TELECON AUGUST 24

FOR SAMUEL EATON, S/PC

1. AS INDICATED IN TELCON, EMBASSY TRANSMITS HERewith DRAFT LANGUAGE FOR POSSIBLE JOINT DECLARATION WHICH MIGHT BE ISSUED UPON EXCHANGE OF NOTES. POSSIBILITY OF SUCH DECLARATION NOT DISCUSSED WITH GOM AND THEIR RECEPTIVITY UNCERTAIN. IF DEPARTMENT CONSIDERS A DECLARATION USEFUL, WE WILL APPROACH GOM PROMPTLY. ALSO TRANSMITTED HERewith ARE POSSIBLE QUESTIONS WHICH MAY BE ADDRESSED TO AMBASSADOR BY PRESS AND CONSIDERATIONS APPROPRIATE IN FORMULATION OF HIS RESPONSE. DEPARTMENT'S VIEWS ON BOTH POSSIBLE JOINT DECLARATION AND QUESTIONS REQUESTED. EVEN IF NO JOINT DECLARATION ISSUED, AMBASSADOR WOULD COUCH REMARKS AT NOTE EXCHANGE CEREMONY ALONG LINES OF FOLLOWING PARAGRAPH.

2. TEXT OF DRAFT JOINT DECLARATION:

A. WITH THE AUGUST 31, 1973, EXCHANGE OF NOTES BETWEEN AMBASSADOR ROBERT H. MCBRIDE AND FOREIGN SECRETARY EMILIO O. RABASA, THE GOVERNMENTS OF THE UNITED STATES AND MEXICO HAVE FORMALIZED THE

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POINTS FOR AGREEMENT FOR A PERMANENT AND DEFINITIVE SOLUTION OF THE

PROBLEM OF THE SALINITY OF THE COLORADO RIVER. THIS AGREEMENT WAS A RESULT OF CAREFUL AND AMICABLE NEGOTIATIONS BETWEEN FOREIGN SECRETARY RABASA AND AMBASSADOR HERBERT BROWNELL, PRESIDENT NIXON'S SPECIAL REPRESENTATIVE ON THE SALINITY PROBLEM. THIS ACHIEVEMENT FULFILLS THE OBJECTIVE SET FORTH IN THE JUNE 17, 1972, JOINT COMMUNIQUE ISSUED AT THE CONCLUSION OF THE STATE VISIT BY PRESIDENT LUIS ECHEVERRIA TO WASHINGTON.

B. THE TWO GOVERNMENTS BELIEVE THAT THE SATISFACTORY CONCLUSION OF THESE NEGOTIATIONS ONCE AGAIN DEMONSTRATES BOTH THE GOOD STATE OF OUR BILATERAL RELATIONS AND THE FACT THAT PROBLEMS, NO MATTER HOW DIFFICULT, CAN BE RESOLVED THROUGH CONSTRUCTIVE NEGOTIATIONS BETWEEN WELL INTENTIONED FRIENDS.

3. QUESTIONS WHICH MAY BE ADDRESSED TO AMBASSADOR FOLLOWING ANNOUNCEMENT OF AGREEMENT:

A. QUESTION: DOES THE CONCLUSION OF THIS AGREEMENT MEAN THAT THE WELLTON-MOHAWK WATERS, ALL OF WHICH MEXICO HAS DECIDED TO BYPASS, WILL HENCEFORTH FULLY BE COMPENSATED FOR BY SUBSTITUTION WATERS? POINTS FOR CONSIDERATION: CERTAIN ASPECTS OF THE AGREEMENT DEPEND UPON CONSTRUCTION OF WORKS AND OTHER EXPENDITURES WHICH MUST BE AUTHORIZED BY THE U.S. CONGRESS. AT SUCH TIME AS THE CONGRESS AUTHORIZES THOSE ACTIVITIES, FULL SUBSTITUTION WILL TAKE PLACE.

B. QUESTION: HOW SOON DO YOU ANTICIPATE CONGRESSIONAL ACTION? POINTS FOR CONSIDERATION: I OF COURSE CANNOT PREEMPT THE CONGRESS' POWERS IN THIS REGARD. AS STATED IN POINT 1 (A) OF THE AGREEMENT, THE EXECUTIVE BRANCH OF THE U.S. GOVERNMENT HAS COMMITTED ITSELF TO SEEKING CONGRESSIONAL APPROVAL NO LATER THAN JULY 1, 1974.

C. QUESTION: POINT 1 (A) MAKES CLEAR THAT THERE WILL BE QUALITY DIFFERENTIAL BETWEEN WATERS GOING TO U.S. AND MEXICAN USERS. WHY SHOULD MEXICO CONTINUE TO RECEIVE WATERS OF LESSER QUALITY? POINTS FOR CONSIDERATION: THE QUALITY DIFFERENTIAL TO WHICH YOU REFER IS, BY THIS AGREEMENT, FIXED AT NO MORE THAN 115 PPM PLUS OR MINUS 30 PPM. THIS DIFFERENTIAL REFLECTS THE FACT THAT THERE ARE SOURCES BELOW IMPERIAL DAM FROM WHICH SOME TREATY WATERS TRADITIONALLY HAVE COME AND WILL CONTINUE TO COME. THE WATERS
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DELIVERED TO MEXICO, EVEN CONSIDERING THIS DIFFERENTIAL, WILL CONTINUE TO BE EMINENTLY USABLE FOR AGRARIAN PURPOSE. I AM QUITE SURE THAT MEXICAN TECHNICIANS WOULD CONFIRM THAT FACT.

D. QUESTION: POINT 7 OF THE AGREEMENT REFERS TO U.S. SUPPORT FOR THE IMPROVEMENT AND REHABILITATION OF THE MEXICALI VALLEY. IS THIS COMPENSATION FOR DAMAGES, AND IF SO, HOW MUCH MONEY WILL BE INVOLVED?

POINTS FOR CONSIDERATION: THERE HAS NEVER BEEN A MUTUAL DETERMINATION OF THE FACT THAT DAMAGES WERE INCURRED. THE MEXICAN GOVERNMENT RECOGNIZES THAT ANY QUANTIFICATION OF DAMAGES WOULD BE EXTREMELY DIFFICULT. AS STATED IN THE AGREEMENT, THE U.S. GOVERNMENT IS INTERESTED IN HELPING TOWARDS THE REHABILITATION OF THE AGRICULTURAL DEVELOPMENT AND PRODUCTION IN THE MEXICALI VALLEY. THERE HAS BEEN NO DECISION EITHER ON EXACTLY WHAT ITEMS SHOULD BE INCLUDED OR WHAT QUANTITIES OF MONEY SHOULD BE EXPENDED. THE AGREEMENT CALLS FOR EARLY EXPLORATION OF THESE QUESTIONS.

E. QUESTION: CAN MEXICO BRING SUBSEQUENT DAMAGE CLAIMS AGAINST THE U.S.?

POINTS FOR CONSIDERATION: THE POINT 8 WORDING THAT BOTH GOVERNMENTS RECOGNIZE THIS AGREEMENT AS "CONSTITUTING A PERMANENT AND DEFINITE SOLUTION OF THE SALINITY PROBLEM" IS INTENDED TO FORECLOSE THAT POSSIBILITY. THE WORDS "PERMANENT AND DEFINITIVE" WOULD BE MEANINGLESS IF THERE WERE QUESTIONS SO BASIC AS DAMAGE CLAIMS WHICH HAD NOT BEEN CONSIDERED TO BE RESOLVED.

MCBRIDE

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